

Representative Hall, Atlanta, Georgia**Tuesday, February 23, 2016****Twenty-Sixth Legislative Day**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abrams	Clark, V	Gravley	McClain	Sims
Alexander	Coleman	Greene	Meadows	Smith, E
Allison	Cooke	Harden	Mitchell	E Smith, L
Atwood	Coomer	Harrell	Morris	Smith, M
Ballinger	Cooper	Hatchett	Mosby	Smith, R
Barr	Corbett	Hawkins	Nimmer	Smyre
Battles	E Dawkins-Haigler	E Henson	Nix	Spencer
Beasley-Teague	Deffenbaugh	Hightower	Pak	Stephens, R
Belton	Dempsey	Hitchens	Parrish	Stovall
E Bennett, K	Dickerson	Holcomb	Petrea	E Stover
Bennett, T	Dickey	E Holmes	Pezold	Strickland
Bentley	E Dickson	Houston	Pirkle	Tankersley
Benton	Dollar	Howard	Powell, A	Tanner
Beskin	Douglas	Hugley	Powell, J	Tarvin
Beverly	E Drenner	E Jackson	Price	Taylor, D
Blackmon	Dudgeon	Jones, J	Prince	E Taylor, T
Broadrick	Dukes	E Jones, L	Quick	Teasley
Brockway	Dunahoo	Jones, S	Raffensperger	Thomas, A.M.
Bruce	Duncan	Kaiser	Rakestraw	Thomas, E
E Bryant	Ealum	Kelley	Ramsey	Trammell
Buckner	Efstration	Kendrick	Randall	Turner
Burns	Ehrhart	Kidd	Reeves	Watson
Caldwell, J	England	Knight	Rhodes	Werkheiser
Caldwell, M	Epps	LaRiccica	Rice	Wilkerson
Cannon	Evans	Lott	Rogers, C	Wilkinson
Cantrell	Fleming	Lumsden	Rogers, T	Willard
E Carson	Fludd	Mabra	Rutledge	E Williams, A
E Carter, A	Frazier	Marin	Rynders	Williams, C
Carter, D	E Frye	Martin	Scott	E Williams, E
E Casas	Gardner	Maxwell	Setzler	Williamson
Chandler	Gasaway	E Mayo	Sharper	Yates
Cheokas	Gilligan	McCall	Shaw	Ralston, Speaker
Clark, D	Glanton			

The following members were off the floor of the House when the roll was called:

Representatives Floyd of the 99th, Golick of the 40th, Gordon of the 163rd, Jones of the 167th, Jordan of the 77th, Kirby of the 114th, Metze of the 55th, Oliver of the 82nd, Stephens of the 165th, Stephenson of the 90th, Waites of the 60th, and Weldon of the 3rd.

They wished to be recorded as present.

Prayer was offered by Pastor Carlos L. Kelly, Beulahland Bible Church, Macon, Georgia.

The members pledged allegiance to the flag.

Representative Cheokas of the 138th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following communications were received:

House of Representatives
Coverdell Legislative Office Building
Room 509
Atlanta, Georgia 30334

February 23, 2016

Mr. Bill Reilly
Clerk of the House
309 State Capitol
Atlanta, GA 30334

Dear Mr. Reilly,

On February 22, 2016 I mistakenly cast a "yes" vote on House Resolution 1113 when my intention was to cast a "no" vote. I request that you please amend my "yes" vote on HR 1113.

Thank you in advance and please let me know if you have any questions.

Respectfully,

/s/ Taylor Bennett
Representative Taylor Bennett
District 80

TB/nsc

Valerie Clark
Representative District 101
252 Regal Dr.
Lawrenceville, GA 30046

Dear Mr. Reilly,

I voted "yes" on HB 859 but my vote was not recorded. Please allow my yes vote to be reflected.

Sincerely,

/s/ Valerie Clark

To whom it may concern,

I would like the journal to reflect that I would have voted "YES" on the HB 903 on Monday Feb. 22, 2016.

I was outside of the House Chambers at the ropes, for the first time ever, speaking with a constituent that called me out.

I do not have official letterhead.

In service,

/s/ Rep. Park Cannon (58)

House of Representatives
401-B State Capitol
Atlanta, Georgia 30334

February 23, 2016

The Honorable William Reilly
309 State Capitol
Atlanta, GA 30334

RE: HB 813

Dear Mr. Reilly:

My intentions were to vote no for HB 813.

Respectfully,

/s/ Jan Tankersley

Jan Tankersley, District 160

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1066. By Representatives Powell of the 32nd, Taylor of the 173rd and Jasperse of the 11th:

A BILL to be entitled an Act to amend Code Section 42-2-8 of the Official Code of Georgia Annotated, relating to additional duties of the commissioner of corrections, so as to authorize the chief of staff to the commissioner to issue warrants for the arrest of an offender who has escaped from the custody of the department; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

HB 1067. By Representative Rhodes of the 120th:

A BILL to be entitled an Act to amend an Act to create a board of elections and registration for Greene County, approved May 16, 2007 (Ga. L. 2007, p. 3602), so as to provide for an election supervisor; to provide for the qualifications, appointment, compensation, duties, and employment of said election supervisor; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1068. By Representatives Kaiser of the 59th, Beverly of the 143rd, Clark of the 101st, Gardner of the 57th and Thomas of the 39th:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for postpartum depression counseling, screening, and treatment referral; to provide for duty for certain medical professionals to counsel; to provide for treatment and hospitalization for postpartum depression; to provide for records; to provide a short title; to provide legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 1069. By Representative Martin of the 49th:

A BILL to be entitled an Act to amend Code Section 40-2-8 of the Official Code of Georgia Annotated, relating to operation of an unregistered vehicle or vehicle without a current license plate, revalidation decal, or county decal; storage of an unlicensed vehicle; display, revision, and extension of temporary license plates; and fines, so as to provide for the issuance of a temporary plate to a tag service company; to provide for a definition; to provide for conditions upon the issuance of such temporary plates; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1070. By Representatives Dempsey of the 13th, Houston of the 170th, Willard of the 51st, Thomas of the 39th, Oliver of the 82nd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, so as to permit the department to use certain information in the department's records concerning the adopted child's biological parents; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1071. By Representatives Dickerson of the 113th, Dawkins-Haigler of the 91st, Stephenson of the 90th, Kendrick of the 93rd, Carter of the 92nd and others:

A BILL to be entitled an Act to amend Chapter 10A of Title 19 of the Official Code of Georgia Annotated, relating to safe place for newborns, so as to provide for signs to be posted at certain medical facilities to indicate locations where a newborn child may be left such that the mother can avoid criminal prosecution; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 1073. By Representatives Strickland of the 111th and Weldon of the 3rd:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile Code, so as to change provisions relating to procedure in juvenile courts; to provide that adoption proceedings be stayed while an appeal of an order to terminate rights is pending; to clarify the court's duties to a case while an appeal is pending; to clarify provisions relating to the waiver of the right to counsel; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Juvenile Justice.

HB 1074. By Representatives Reeves of the 34th, Carson of the 46th, Dollar of the 45th, Setzler of the 35th, Evans of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, so as to change the compensation of the judges of the state court; to authorize the governing authority of Cobb County to make payments to the Trial Judges and Solicitors Retirement Fund; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1075. By Representatives Hawkins of the 27th, Cooper of the 43rd, Chandler of the 105th, Rakestraw of the 19th, Rogers of the 29th and others:

A BILL to be entitled an Act to amend Code Section 10-1-393.5 of the Official Code of Georgia Annotated, relating to prohibited telemarketing, Internet activities, or home repair, so as to provide that the transmission of another person's medical information shall be deemed an unfair and deceptive trade practice; to provide for a definition; to provide for cumulative remedies; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 1076. By Representatives Bennett of the 80th and Taylor of the 79th:

A BILL to be entitled an Act to amend Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development authorities, so as to provide that no development authority activated by a single county that has also activated a public safety and judicial facilities authority shall acquire, lease, or accept title to any real property located within a city that has activated a development authority without the consent by resolution of such city's development authority; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1077. By Representatives Peake of the 141st, Gravley of the 67th, Clark of the 98th, Kaiser of the 59th, Battles of the 15th and others:

A BILL to be entitled an Act to provide for a nonbinding state-wide referendum on the question of whether the state of Georgia should establish a strict regulatory structure that would allow for the limited licensure for growing, processing, and dispensing medical cannabis oil in Georgia for citizens with certain severe illnesses and that are properly registered with the state; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 1457. By Representatives Rogers of the 29th, Dunahoo of the 30th, Hawkins of the 27th, Benton of the 31st, Barr of the 103rd and others:

A RESOLUTION honoring the life of Confederate General James Longstreet and dedicating a bridge in his honor; and for other purposes.

Referred to the Committee on Transportation.

HR 1458. By Representatives Waites of the 60th, Fludd of the 64th, Scott of the 76th, Thomas of the 56th and Dawkins-Haigler of the 91st:

A RESOLUTION encouraging all state, county, and local law enforcement agencies to engage in emergency pursuits only in the most necessary instances; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

HR 1459. By Representatives Peake of the 141st, Randall of the 142nd, Epps of the 144th, Dickey of the 140th and Beverly of the 143rd:

A RESOLUTION honoring the life of Colonel William Lee Robinson and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1460. By Representatives Alexander of the 66th and Maxwell of the 17th:

A RESOLUTION recognizing Mt. Olivet Missionary Baptist Church and dedicating a road in its honor; and for other purposes.

Referred to the Committee on Transportation.

HR 1461. By Representatives Hatchett of the 150th and Epps of the 144th:

A RESOLUTION recognizing Mr. Mack Fitzgerald and dedicating an intersection in his honor; and for other purposes.

Referred to the Committee on Transportation.

HR 1462. By Representatives Coomer of the 14th, Battles of the 15th and Kelley of the 16th:

A RESOLUTION recognizing Reverend Joe E. Edwards and dedicating an intersection in his honor; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the rules were suspended in order that the following Bills of the House could be introduced, read the first time and referred to the Committees:

HB 1084. By Representatives Houston of the 170th, England of the 116th, Watson of the 172nd, Shaw of the 176th and Efstoration of the 104th:

A BILL to be entitled an Act to amend Code Section 2-6-27 of the O.C.G.A., relating to additional duties and powers of the State Soil and Water Conservation Commission, so as to eliminate certain powers and duties of such commission relative to measuring farm and agricultural uses of water; to amend Title 12 of the O.C.G.A., relating to conservation and natural

resources, so as to substitute the State Forestry Commission for the State Soil and Water Conservation Commission with regard to certain powers and duties relative to measuring farm and agricultural uses of water; to change certain provisions relating to the powers of the director of the State Forestry Commission concerning the adoption of rules and regulations and methods of administration; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

HB 1085. By Representatives Dempsey of the 13th, England of the 116th, Parrish of the 158th, Cooper of the 43rd, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to services for the aging, so as to transfer the oversight of such services to the Department of Community Health; to provide for the department to establish a community care unit within the Division of Medical Assistance; to delete certain provisions related to the implementation of a community care system; to provide for an annual community care plan to be incorporated into the State Plan for Medical Assistance; to change references to agency to department; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

HB 1086. By Representative Martin of the 49th:

A BILL to be entitled an Act to amend Chapter 30 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding municipal corporations, so as to broaden the prohibition on dual government service of members of municipal councils or boards to include all local governmental offices within the same county; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Budget and Fiscal Affairs Oversight.

HB 1087. By Representative Morris of the 156th:

A BILL to be entitled an Act to amend Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance generally, so as to require legislative notification prior to any request for a state plan amendment for an increase in eligibility or benefits above the minimum requirements for temporary assistance for needy families or the

supplemental nutrition assistance program; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 1053	HB 1054
HB 1055	HB 1056
HB 1057	HB 1058
HB 1059	HB 1060
HB 1061	HB 1062
HB 1063	HB 1064
HB 1065	HB 1072
HR 1427	HR 1428
HR 1429	HR 1430
HR 1431	SB 370

Representative Tankersley of the 160th District, Chairman of the Committee on Intragovernmental Coordination, submitted the following report:

Mr. Speaker:

Your Committee on Intragovernmental Coordination - Local Legislation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1010	Do Pass, by Substitute	HB 1038	Do Pass
HB 1042	Do Pass	HB 1044	Do Pass
HB 1047	Do Pass	HB 1048	Do Pass
HB 1049	Do Pass	HB 1050	Do Pass
HB 1051	Do Pass		

Respectfully submitted,
/s/ Tankersley of the 160th
Chairman

Representative Golick of the 40th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 979 Do Pass

Respectfully submitted,
/s/ Golick of the 40th
Chairman

Representative Weldon of the 3rd District, Chairman of the Committee on Juvenile Justice, submitted the following report:

Mr. Speaker:

Your Committee on Juvenile Justice has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 825 Do Pass
HB 887 Do Pass, by Substitute
HB 962 Do Pass, by Substitute

Respectfully submitted,
/s/ Weldon of the 3rd
Chairman

Representative Powell of the 171st District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 899	Do Pass, by Substitute	HB 911	Do Pass, by Substitute
HB 919	Do Pass, by Substitute	HB 922	Do Pass, by Substitute
HB 935	Do Pass, by Substitute	HB 981	Do Pass, by Substitute
HB 987	Do Pass, by Substitute		

Respectfully submitted,
/s/ Powell of the 171st
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
TUESDAY, FEBRUARY 23, 2016

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 26th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 1030 Georgia Seed Development Commission; change certain provisions
(A&CA-Watson-172nd)

Modified Open Rule

HB 804 Superior courts; fifth judge of the Clayton Judicial Circuit; provide
(Substitute)(Judy-Mabra-63rd)

HB 851 Local government; annual audit of financial affairs, books, and records of
boards of trustees of county law libraries; require (Substitute)(B&FAO-
Atwood-179th)

HB 856 Probate courts; bond required for judges; change provisions (Judy-Fleming-
121st)

HB 944 Health; pronouncement of death of patients in nursing homes who are
organ donors by a physician assistant or registered professional nurse;
provide (Substitute)(H&HS-Gilligan-24th)

HB 970 Fire protection and safety; issuance of certificates of compliance for fire
departments; revise requirements (PS&HS-Lumsden-12th)

HB 975 Commerce and trade; assets and liabilities; provide certain updates to the
standard valuation law (Ins-Shaw-176th)

Modified Structured Rule

HB 93 Motor vehicles; law enforcement retaining license plate data obtained from
automated license plate recognition systems for certain periods; prohibit
(Substitute)(PS&HS-Pezold-133rd) (AM 41 0148)

HB 792 Firearms; carrying, possession, and use of electroshock weapons by persons
who are students or who are employed at a public institution; authorize
(Substitute)(PS&HS-Brockway-102nd)

- HB 827 "Pursuing Justice for Rape Victims Act"; enact (Substitute)(JudyNC-Holcomb-81st)
- HB 900 Crimes and offenses; electronic data base of prescription information; authorize the retention of data base information for 2 years (Substitute)(H&HS-Cooper-43rd)
- HB 941 Courts; review of incidents involving a peace officer's use of deadly force that results in death or serious bodily injury; provide for procedure (Substitute)(JudyNC-Golick-40th)
- HR 1312 Houston County; certain property currently dedicated as a heritage preserve; authorize the change of use (SProp-Sims-123rd)
- HR 1363 House Special Study Committee on Judicial Qualifications Commission Reform; create (Rules-Willard-51st)

Structured Rule

- HB 768 Handicapped persons; ABLE program establishment to use tax exempt accounts to pay for qualified expenses of eligible individuals with disabilities; provisions (Substitute)(W&M-Hawkins-27th)
- HB 923 Sales and use tax; fire districts which have elected governing bodies and are supported by ad valorem taxes; provide exemption (Substitute)(W&M-Quick-117th)

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

- HB 1010. By Representatives Carson of the 46th, Cooper of the 43rd, Evans of the 42nd, Reeves of the 34th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3691) and an Act approved May 12, 2015 (Ga. L. 2015, p. 4048), so as to change the provisions relating to the compensation of the chairperson and the other commissioners of the board; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3691) and an Act approved May 12, 2015 (Ga. L. 2015, p. 4048), so as to change the provisions relating to the compensation of the commissioners of the board; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3691) and an Act approved May 12, 2015 (Ga. L. 2015, p. 4048), is amended by revising subsection (a) of Section 8 as follows:

"(a) Commissioners representing Districts 1 and 4 shall be eligible to be paid as their entire compensation for services as commissioners the sum of \$45,175.86 per annum, payable monthly, to be paid out of the county treasury upon warrants drawn upon the county treasury. Commissioners representing Districts 2 and 3 shall be eligible to be paid as their entire compensation for services as commissioners the sum of \$45,418.81 per annum, payable monthly, to be paid out of the county treasury upon warrants drawn upon the county treasury. The chairperson shall be eligible to be paid as his or her entire compensation the sum of \$131,188.22 per annum, payable monthly, also to be paid out of the county treasury upon warrants drawn upon the county treasury. In recognition of the additional demands placed on the time of the chairperson and the additional duties and responsibilities of that position, the chairperson shall be compensated on a full-time employment basis; provided, however, that the chairperson shall be allowed to devote no more than 15 hours per week to a business or employment interest unrelated to the business of the board of commissioners. Except as provided otherwise in this section, the salary so fixed shall constitute the entire compensation from all sources to which such chairperson or any commissioner shall be entitled. The chairperson and the commissioners may be reimbursed for reasonable expenses incurred in carrying out their duties. Such expenses shall include the following:

- (1) Mileage reimbursement for the use of a private automobile while conducting county business;
- (2) Secretarial services, if required, over and above the services normally provided by the county; and
- (3) Travel and lodging expenses and fees incurred in conjunction with training seminars, conventions, or official county business conducted outside of Cobb County."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

HB 1038. By Representatives Rhodes of the 120th and Kidd of the 145th:

A BILL to be entitled an Act to authorize the governing authority of the City of Eatonton to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1042. By Representative Kelley of the 16th:

A BILL to be entitled an Act to amend an Act to create a Board of Commissioners of Roads and Revenues in and for the County of Polk, approved August 19, 1919 (Ga. L. 1919, p. 719), so as to change provisions relating to the filling of vacancies in the offices of members of the governing authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1044. By Representatives Corbett of the 174th, Carter of the 175th, Shaw of the 176th and Sharper of the 177th:

A BILL to be entitled an Act to repeal the amendment to the Constitution of Georgia providing for the election of the Board of Tax Assessors of Lowndes County and thereby end the elective terms of members of the Board of Tax Assessors of Lowndes County on December 31, 2020; to provide for a referendum with respect to the effectiveness of the foregoing; to provide for contingent effective dates; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

- HB 1047. By Representatives Smith of the 70th, Trammell of the 132nd, Ramsey of the 72nd and Stover of the 71st:

A BILL to be entitled an Act to amend an Act continuing the State Court of Coweta County, approved May 17, 2004 (Ga. L. 2004, p. 4260), so as to revise the terms of court of the State Court of Coweta County; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

- HB 1048. By Representatives Blackmon of the 146th, Harden of the 148th, Clark of the 147th, Dickey of the 140th and Epps of the 144th:

A BILL to be entitled an Act to repeal an Act creating the Houston County Commission on Children and Youth, approved April 14, 1997 (Ga. L. 1997, p. 4177); to provide for the assets and liabilities thereof; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

- HB 1049. By Representatives Stephens of the 164th, Stephens of the 165th, Gordon of the 163rd, Hitchens of the 161st, Bryant of the 162nd and others:

A BILL to be entitled an Act to amend an Act to provide for the Board of Public Education for the City of Savannah and Chatham County, approved March 21, 1968 (Ga. L. 1968, p. 2636), as amended, so as to authorize members of the Board of Public Education for the City of Savannah and Chatham County to censure its members; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

- HB 1050. By Representatives Stephens of the 164th, Stephens of the 165th, Gordon of the 163rd, Hitchens of the 161st, Bryant of the 162nd and others:

A BILL to be entitled an Act to amend several Acts relating to and incorporating the mayor and aldermen of the City of Savannah, so as to authorize members of the governing body of the City of Savannah to censure

its members; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1051. By Representatives Stephens of the 164th, Stephens of the 165th, Gordon of the 163rd, Hitchens of the 161st, Bryant of the 162nd and others:

A BILL to be entitled an Act to amend an Act completely revising the laws relative to the governing authority of Chatham County, approved March 29, 1984 (Ga. L. 1984, p. 5050), as amended, so as to provide for an additional power of the board to censure members; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	E Dawkins-Haigler	E Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Stephenson
E Bennett, K	E Dickson	Y Houston	Y Parsons	Y Stovall
Bennett, T	Y Dollar	Y Howard	Peake	E Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon

E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bills, the ayes were 151, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

Mr. Speaker:

SB 271. By Senators Burke of the 11th, Kirk of the 13th and Watson of the 1st:

A BILL to be entitled an Act to amend Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to examination and treatment for mental illness, so as to provide for reasonable standards for providing patients and their representatives notice of their rights upon each such patient's admission to an emergency receiving facility; to provide for procedure for continued involuntary hospitalization of a mentally ill patient when a discharge has been planned and is deemed unsafe; to change the time frame for certain notices related to the procedure for continued involuntary hospitalization; to provide for a reasonable standard for diligent efforts to secure the names of a mental patient's representatives; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 275. By Senators Williams of the 27th, Ligon, Jr. of the 3rd, Burke of the 11th, Gooch of the 51st, Martin of the 9th and others:

A BILL to be entitled an Act to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding counties, municipal corporations, and other governmental entities, so as to provide that the governing body of any county, consolidated government, or municipality; local board of education; or any other governmental entity shall not adopt or

maintain any policy, rule, or other provision that has the effect of preventing the free exercise of the right of freedom of speech by the members of the governing body and the ability of members of the governing body to discuss freely the policies and actions of such entity; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 316. By Senators Gooch of the 51st, Mullis of the 53rd, Harper of the 7th, Beach of the 21st and Ginn of the 47th:

A BILL to be entitled an Act to amend Code Section 16-12-60 of the Official Code of Georgia Annotated, relating to rules and regulations relative to bingo, so as to remove the daily permissible prize limitation while preserving the weekly permissible prize limitation; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 337. By Senators Walker III of the 20th, Hill of the 6th, Hufstetler of the 52nd, Cowser of the 46th, Kirk of the 13th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to require the Department of Human Services to provide that certain dependents of a military service member shall maintain eligibility and priority for certain medical assistance and developmental disability services under certain conditions; to require the department to request a waiver if necessary to implement such provision; to provide that such provision shall only apply to the fullest extent permissible to remain in compliance with certain federal laws, rules, and regulations; to repeal conflicting laws; and for other purposes.

- SB 348. By Senators Tippins of the 37th, Cowser of the 46th, Wilkinson of the 50th, Williams of the 27th and Sims of the 12th:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to provide for college and career academies as charter schools or as schools within a strategic waivers school system or charter system; to provide for requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 380. By Senator Gooch of the 51st:

A BILL to be entitled an Act to amend an Act to reconstitute the Board of Commissioners of White County, approved May 13, 2008 (Ga. L. 2008, p. 4205), as amended, so as to provide for compensation increases for members

of the board; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 807. By Representatives Stovall of the 74th, Scott of the 76th, Mabra of the 63rd, Jordan of the 77th, Glanton of the 75th and others:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts within Clayton County, approved April 7, 1992 (Ga. L. 1992, p. 5698), so as to change certain provisions relating to the purpose of the Act; to change the definition of the term "electors"; to change the definition of the term "project"; to change certain provisions relating to taxes, fees, and assessments; to change certain provisions relating to boundaries of such districts; to change certain provisions relating to the powers of boards of such districts; to repeal conflicting laws; and for other purposes.

HB 930. By Representative Allison of the 8th:

A BILL to be entitled an Act to provide a new charter for the City of Blairsville; to provide for other matters relative to the foregoing; to provide a specific repealer; to provide an effective date; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bills of the Senate were read the first time and referred to the Committees:

SB 271. By Senators Burke of the 11th, Kirk of the 13th and Watson of the 1st:

A BILL to be entitled an Act to amend Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to examination and treatment for mental illness, so as to provide for reasonable standards for providing patients and their representatives notice of their rights upon each such patient's admission to an emergency receiving facility; to provide for procedure for continued involuntary hospitalization of a mentally ill patient when a discharge has been planned and is deemed unsafe; to change the time frame for certain notices related to the procedure for continued involuntary hospitalization; to provide for a reasonable standard for diligent efforts to secure the names of a mental patient's representatives; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

- SB 275. By Senators Williams of the 27th, Ligon, Jr. of the 3rd, Burke of the 11th, Gooch of the 51st, Martin of the 9th and others:

A BILL to be entitled an Act to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding counties, municipal corporations, and other governmental entities, so as to provide that the governing body of any county, consolidated government, or municipality; local board of education; or any other governmental entity shall not adopt or maintain any policy, rule, or other provision that has the effect of preventing the free exercise of the right of freedom of speech by the members of the governing body and the ability of members of the governing body to discuss freely the policies and actions of such entity; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- SB 316. By Senators Gooch of the 51st, Mullis of the 53rd, Harper of the 7th, Beach of the 21st and Ginn of the 47th:

A BILL to be entitled an Act to amend Code Section 16-12-60 of the Official Code of Georgia Annotated, relating to rules and regulations relative to bingo, so as to remove the daily permissible prize limitation while preserving the weekly permissible prize limitation; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

- SB 337. By Senators Walker III of the 20th, Hill of the 6th, Hufstetler of the 52nd, Cowser of the 46th, Kirk of the 13th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to require the Department of Human Services to provide that certain dependents of a military service member shall maintain eligibility and priority for certain medical assistance and developmental disability services under certain conditions; to require the department to request a waiver if necessary to implement such provision; to provide that such provision shall only apply to the fullest extent permissible to remain in compliance with certain federal laws, rules, and regulations; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 348. By Senators Tippins of the 37th, Cowser of the 46th, Wilkinson of the 50th, Williams of the 27th and Sims of the 12th:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to provide for college and career academies as charter schools or as schools within a strategic waivers school system or charter system; to provide for requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

SB 380. By Senator Gooch of the 51st:

A BILL to be entitled an Act to amend an Act to reconstitute the Board of Commissioners of White County, approved May 13, 2008 (Ga. L. 2008, p. 4205), as amended, so as to provide for compensation increases for members of the board; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

Pursuant to HR 1406, the House recognized and commended Coach Kirby Smart upon his selection as head coach of the University of Georgia football team.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Epps of the 144th, Cooper of the 43rd, Spencer of the 180th, McCall of the 33rd, Kaiser of the 59th, Stephens of the 164th, Marin of the 96th, Beverly of the 143rd, Bentley of the 139th, Cheokas of the 138th, Buckner of the 137th et al., and Kelley of the 16th.

Pursuant to HR 1169, the House recognized and commended Mr. A. Paul Wood upon the grand occasion of his retirement.

Pursuant to HR 1305, the House recognized and commended Morgan Brian.

Pursuant to HR 1217, the House recognized Anita and Dave Smith.

Representative Pruett of the 149th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 749 Do Pass

Respectfully submitted,
/s/ Pruett of the 149th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bills and Resolution of the House were taken up for consideration and read the third time:

HB 1030. By Representatives Watson of the 172nd, Houston of the 170th, England of the 116th, Corbett of the 174th and LaRiccia of the 169th:

A BILL to be entitled an Act to amend Chapter 4 of Title 2 of the Official Code of Georgia Annotated, relating to the Georgia Seed Development Commission, so as to change certain provisions relating to the Georgia Seed Development Commission and its membership; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	E Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T

Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstoration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 163, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HR 1312. By Representatives Sims of the 123rd, Blackmon of the 146th, Coomer of the 14th, Clark of the 101st, Dunahoo of the 30th and others:

A RESOLUTION authorizing the change of use of certain property located in Houston County currently dedicated as a heritage preserve; authorizing the granting of a nonexclusive easement for the construction, operation, and maintenance of facilities and ingress and egress in, on, over, under, upon, across, or through certain state owned real property located in Houston County; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R

Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	E Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Greene	Y Meadows	Y Sims	Ralston, Speaker

On the adoption of the Resolution, the ayes were 163, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted.

HB 900. By Representatives Cooper of the 43rd, Weldon of the 3rd, Hawkins of the 27th, Parrish of the 158th, Harden of the 148th and others:

A BILL to be entitled an Act to amend Part 2 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to electronic data base of prescription information, so as to authorize the retention of data base information for two years; to provide for delegates of prescribers and dispensers to access data base information under certain conditions; to revise language relating to subpoenas and search warrants; to provide for accessing data base information for purposes of investigation of potential abuse; to provide for the release of nonpatient specific data to the agency for instructional, drug abuse prevention, and research purposes; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Part 2 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to electronic data base of prescription information, so as to authorize the retention of data base information for two years; to provide for delegates of prescribers and dispensers to access data base information under certain conditions; to revise language relating to subpoenas and search warrants; to provide for accessing data base information for purposes of investigation of potential abuse; to provide for the release of nonpatient specific data to the agency for instructional, drug abuse prevention, and research purposes; to limit liability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to electronic data base of prescription information, is amended in Code Section 16-13-59, relating to information to include for each Schedule II, III, IV, or V controlled substance prescription, by revising subsection (e) as follows:

"(e) The agency shall not access or allow others to access any identifying prescription information from the electronic data base after ~~one year~~ two years from the date such information was originally received by the agency. The agency may retain aggregated prescription information for a period of ~~one year~~ two years from the date the information is received but shall promulgate regulations and procedures that will ensure that any identifying information the agency receives from any dispenser or reporting entity that is ~~one year~~ two years old or older is deleted or destroyed on an ongoing basis in a timely and secure manner."

SECTION 2.

Said part is further amended in Code Section 16-13-60, relating to privacy and confidentiality, use of data, and security program, as follows:

"16-13-60.

(a) Except as otherwise provided in subsections (c) and (d) of this Code section, prescription information submitted pursuant to Code Section 16-13-59 shall be confidential and shall not be subject to open records requirements, as contained in Article 4 of Chapter 18 of Title 50.

(b) The agency, in conjunction with the board, shall establish and maintain strict procedures to ensure that the privacy and confidentiality of patients, prescribers, and patient and prescriber information collected, recorded, transmitted, and maintained pursuant to this part are protected. Such information shall not be disclosed to any

person or entity except as specifically provided in this part and only in a manner which in no way conflicts with the requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996, P.L. 104-191. Nothing in this subsection shall be construed to prohibit the agency from accessing prescription information as a part of an investigation into suspected or reported abuses or regarding illegal access of the data. Such information may be used in the prosecution of an offender who has illegally obtained prescription information.

(c) The agency shall be authorized to provide requested prescription information collected pursuant to this part only as follows:

(1) To persons authorized to prescribe or dispense controlled substances for the sole purpose of providing medical or pharmaceutical care to a specific patient or to delegates of such persons authorized to prescribe or dispense controlled substances in accordance with the following:

(A) Such delegates are members of the prescriber or dispenser's staff and retrieve and review information and reports strictly for purposes of determining misuse, abuse, or underutilization of prescribed medication;

(B) Such delegates are licensed, registered, or certified by the state regulatory board governing the delegating prescriber or dispenser, and the delegating prescriber or dispenser shall be held responsible for the use of the information and data by their delegates; and

(C) All information and reports retrieved and reviewed by delegates shall be maintained in a secure and confidential manner in accordance with the requirements of subsection (f) of this Code section;

(2) Upon the request of a patient, prescriber, or dispenser about whom the prescription information requested concerns or upon the request on his or her behalf of his or her attorney;

(3) To local, ~~or state, or federal~~ law enforcement or prosecutorial officials pursuant to the issuance of a search warrant from an appropriate court or official in the county in which the office of such law enforcement or prosecutorial officials are located pursuant to Article 2 of Chapter 5 of Title 17 or to federal law enforcement or prosecutorial officials pursuant to the issuance of a search warrant pursuant to 21 U.S.C. or a grand jury subpoena pursuant to 18 U.S.C.; and

(4) To the agency, ~~or the Georgia Composite Medical Board~~ or any other state regulatory board governing prescribers or dispensers in this state, or the Department of Community Health for purposes of the state Medicaid program upon the issuance of an administrative subpoena issued by a Georgia state administrative law judge by such agency, board, or department pursuant to their existing subpoena power or to the federal Centers for Medicare and Medicaid Services upon the issuance of a subpoena by the federal government pursuant to its existing subpoena powers.

(c.1) An individual authorized to access electronic data base prescription information pursuant to this part may:

- (1) Communicate concerns about a patient's potential misuse, abuse, or underutilization of a controlled substance with other prescribers and dispensers that are involved in the patient's health care; or
- (2) Report potential violations of this article to the agency for review or investigation. Following such review or investigation, the agency may:
 - (A) Refer instances of a patient's possible personal misuse or abuse of controlled substances to the patient's primary prescriber to allow for potential intervention and impairment treatment;
 - (B) Refer probable violations of controlled substances being acquired for illegal distribution, and not solely for a patient's personal use, to the appropriate authorities for further investigation and potential prosecution; or
 - (C) Refer probable regulatory violations by prescribers or dispensers to the regulatory board governing such person.
- (d) The board may provide statistical data to government entities and other entities for statistical, research, educational, or grant application purposes after removing information that could be used to identify prescribers or individual patients or persons who received prescriptions from dispensers; the board may provide nonpatient specific data to the agency for instructional, drug abuse prevention, and research purposes.
- (e) Any person or entity who receives electronic data base prescription information or related reports relating to this part from the agency shall not provide such information or reports to any other person or entity except by order of a court of competent jurisdiction pursuant to this part.
- (f) Any permissible user identified in this part who directly accesses electronic data base prescription information shall implement and maintain a comprehensive information security program that contains administrative, technical, and physical safeguards that are substantially equivalent to the security measures of the agency. The permissible user shall identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of personal information that could result in the unauthorized disclosure, misuse, or other compromise of the information and shall assess the sufficiency of any safeguards in place to control the risks.
- (g) No provision in this part shall be construed to modify, limit, diminish, or impliedly repeal any authority existing on June 30, 2011, of a licensing or regulatory board or any other entity so authorized to obtain prescription information from sources other than the data base maintained pursuant to this part; provided, however, that the agency shall be authorized to release information from the data base only in accordance with the provisions of this part."

SECTION 3.

Said part is further amended in Code Section 16-13-63, relating to liability, as follows:
"16-13-63.

- (a) Nothing in this part shall require a dispenser or prescriber to obtain information about a patient from the program established pursuant to this part. A dispenser or prescriber shall not have a duty and shall not be held civilly liable for damages to any

person in any civil or administrative action or criminally responsible for injury, death, or loss to person or property on the basis that the dispenser or prescriber did or did not seek or obtain information from the electronic data base established pursuant to Code Section 16-13-57. Nothing in this part shall create a private cause of action against a prescriber or dispenser.

(b) A dispenser or prescriber acting in good faith shall not be held civilly liable for damages to any person in any civil or administrative action or criminally responsible for injury, death, or loss to person or property for receiving or using information from the electronic data base established pursuant to Code Section 16-13-57."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	N Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	E Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	Y Efstration	Y Jordan	N Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	N Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A

Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	Y Setzler	Y Williams, E
N Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 151, nays 12.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 975. By Representatives Shaw of the 176th, Smith of the 134th, Efstration of the 104th, Caldwell of the 131st, Blackmon of the 146th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 33 of the Official Code of Georgia Annotated, relating to assets and liabilities, so as to provide for certain updates to the standard valuation law as it relates to the reserve requirements for companies allowed to opt out of the principal based reserves standards; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	E Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson

Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 163, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 970. By Representatives Lumsden of the 12th, Powell of the 32nd, Hitchens of the 161st, Jasperse of the 11th, Atwood of the 179th and others:

A BILL to be entitled an Act to amend Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, so as to revise requirements for the issuance of certificates of compliance for fire departments; to revise and to provide for definitions; to expand the functions and powers of the Georgia Firefighter Standards and Training Council; to revise qualifications for firefighters; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	E Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T

Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 162, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 941. By Representatives Golick of the 40th, Atwood of the 179th, Pak of the 108th and Abrams of the 89th:

A BILL to be entitled an Act to amend Chapter 12 of Title 15, Chapter 7 of Title 17, and Chapter 11 of Title 45 of the O.C.G.A., relating to juries, pretrial proceedings, and miscellaneous offenses concerning public officers and employees, respectively, so as to provide for procedure for review of incidents involving a peace officer's use of deadly force that results in death or serious bodily injury; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 12 of Title 15, Chapter 7 of Title 17, and Chapter 11 of Title 45 of the Official Code of Georgia Annotated, relating to juries, pretrial proceedings, and miscellaneous offenses concerning public officers and employees, respectively, so as to provide for procedure for review of incidents involving a peace officer's use of deadly force that results in death or serious bodily injury; to provide for definitions; to provide for procedure and disclosure of information from such review; to repeal provisions relating to the use of stenographers and enact provisions relating to court reporters in

grand jury proceedings; to change provisions relating to the use of special purpose grand juries; to repeal population Act features connected to grand juries; to provide for peace officer notification of grand jury proceedings and the process of testifying before a grand jury; to change provisions relating to the indictment of public officials for professional misconduct; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries, is amended in Code Section 15-12-71, relating to the duties of the grand jury, by adding a new paragraph to subsection (b) and two new subsections to read as follows:

"(5)(A) As used in this paragraph, the term 'serious bodily injury' means bodily harm which deprives a person of a member of his or her body, which renders a member of such person's body useless, or which seriously disfigures such person's body or a member thereof.

(B) The grand jury, whenever deemed necessary by 12 or more of its members, or at the request of the district attorney, shall conduct a review of any incident in which a peace officer's use of deadly force resulted in death or serious bodily injury to another. Except when requested by the district attorney, such review shall only be conducted after the investigative report of the incident has been completed and submitted to the district attorney. The district attorney shall begin assisting the grand jury in its review no later than one year from the date of the incident or the date a different prosecuting attorney is appointed by the Attorney General under Code Section 15-18-5 or 15-18-65, whichever is later. A review shall not be conducted pursuant to this paragraph in any case in which the district attorney informs the grand jury that a bill of indictment or special presentment will be presented to a grand jury charging such peace officer with a criminal offense in conjunction with, or arising out of, the incident in which such peace officer's use of deadly force resulted in death or serious bodily injury to another.

(C) Not less than 20 days prior to the date upon which the grand jury shall begin hearing evidence in such review, the chief executive officer of the law enforcement agency and the peace officer shall be notified of such date and the time and place of the grand jury meeting, provided that nothing in this paragraph shall require either officer to make a presentation to the grand jury unless requested by the grand jury to do so.

(D) When the grand jury is conducting a review pursuant to this paragraph, the testimony of any witness appearing before it and any argument or legal advice provided to the grand jury by the prosecuting attorney shall be recorded by a court reporter. The cost of conducting such review, including, but not limited to, the cost of any recordation and transcription of testimony, shall be paid out of the county

treasury, upon the certificate of the judge of the superior court, as other court expenses are paid.

(E) Prior to the introduction of any evidence or the first witness being sworn, the district attorney shall advise the grand jury of the laws applicable to the conduct of such review. In particular, the grand jury shall be advised of Code Sections 16-3-20, 16-3-21, 16-3-23.1, and 17-4-20."

"(e)(1) If the grand jury conducts a review pursuant to paragraph (5) of subsection (b) of this Code section, and the grand jury does not request that the district attorney create a bill of indictment or special presentment, the grand jury shall prepare a report or issue a general presentment based upon its inspection, and any such report or presentment shall be subject to publication as provided for in Code Section 15-12-80.

(2) Such report or general presentment shall include a summary of the evidence considered by the grand jury and the grand jury's findings of the facts regarding the incident.

(3) Such report or general presentment shall be returned to the court by the grand jury and published in open court, and the report or general presentment shall be filed with the clerk.

(4) If the grand jury does not request that the district attorney create a bill of indictment or special presentment, the district attorney shall, upon the release of such report or general presentment and unless otherwise ordered by the court, make available for inspection or copying any evidence considered by the grand jury during such review and the transcripts of the testimony of the witnesses who testified during the review no later than the end of the following term of court or six months, whichever is later. On motion of the district attorney, the court shall order the redaction of any part of the evidence or transcripts which contains matters subject to a statutory privilege, the names of the grand jurors, or information contained therein that may be exempt from disclosure pursuant to Code Section 50-18-72.

(5) Any person requesting copies of such report, copies of any evidence considered by the grand jury during such review, or the transcripts of the testimony of the witnesses who testified during the review may be charged a reasonable fee for the cost of the redaction, reproduction, copying, and delivery of such report, evidence, or transcripts as provided in Code Section 50-18-71. Such costs shall be paid before such material is provided.

(f) If the grand jury requests that the district attorney create a bill of indictment or special presentment against the peace officer, the transcript of the testimony of the witnesses who testified during the review, together with any other evidence presented to the grand jury, shall be not be disclosed, except as provided in Code Section 15-12-72 and in compliance with Article 1 of Chapter 16 of Title 17. If the bill of indictment or special presentment is to be presented to another grand jury, the district attorney shall transfer such transcripts and evidence to the grand jury considering the bill of indictment or special presentment."

SECTION 2.

Said chapter is further amended by revising Code Section 15-12-74, relating to grand jury presentment of offenses, as follows:

"15-12-74.

(a) Grand jurors have a duty to examine or make presentments of such offenses as may or shall come to their knowledge or observation after they have been sworn. Additionally, they have the right and power and it is their duty as jurors to make presentments of any violations of the laws which they may know to have been committed at any previous time which are not barred by the statute of limitations.

(b) If a true bill is returned by the grand jury on any count of an indictment or special presentment, the indictment or special presentment shall be published in open court. If a no bill is returned by the grand jury on all counts of an indictment or special presentment, the prosecuting attorney shall file such indictment or special presentment with the clerk."

SECTION 3.

Said chapter is further amended by repealing Code Section 15-12-83, relating to attendance of stenographer at grand jury proceeding and the use of a recording device, and enacting a new Code Section 15-12-83 to read as follows:

"15-12-83.

(a) Upon the request of the district attorney or accused peace officer, a court reporter shall be authorized to be present and shall attend the grand jury proceedings while any witness is being examined by the grand jury. Before attending the grand jury proceedings, the court reporter shall take the following oath:

'I do solemnly swear that I will keep secret all things and matters coming to my knowledge while in attendance upon the grand jury, so help me God.'

(b) The district attorney of the circuit in which the county is located shall appoint the court reporter and, notwithstanding any law to the contrary, fix the compensation therefor, and such compensation, including the cost of transcripts, shall be paid by the county.

(c) The court reporter shall take and transcribe the testimony of any witness appearing before the grand jury and any argument or legal advice provided to the grand jury by the prosecuting attorney and shall furnish such transcript to the district attorney.

(d) When a witness testifies pursuant to a grant of immunity as provided in Code Section 24-5-507, such testimony shall be transcribed, a copy of the transcript shall be provided to the district attorney, and the original transcript shall be filed under seal in the office of the clerk.

(e) The court reporter shall be incompetent to testify at any hearing or trial concerning any matter or thing coming to the knowledge of the court reporter while in attendance upon the grand jury.

(f) Except as otherwise provided in this Code section, a recording, any court reporter's notes, and any transcript prepared from such recording or notes shall be provided solely to the district attorney, who shall retain control of such recording, notes, and transcript.

The district attorney may use such materials to the extent such use is appropriate to the proper performance of his or her official duties."

SECTION 4.

Said chapter is further amended by revising subsection (a) of Code Section 15-12-100, relating to the procedure for impaneling special grand jury, as follows:

"(a) The chief judge of the superior court of any county to which this part applies, on his or her own motion, on motion or petition of the district attorney, or on petition of any elected public official of the county or of a municipality lying wholly or partially within the county, may request the judges of the superior court of the county to impanel a special grand jury for the purpose of investigating any alleged violation of the laws of this state or any other matter subject to investigation by grand juries as provided by law."

SECTION 5.

Said chapter is further amended by repealing Code Section 15-12-102, relating to the applicability of special purpose grand juries, and enacting a new Code Section 15-12-102 to read as follows:

"15-12-102.

This part shall apply only to all counties and consolidated city-county governments of this state. Except as otherwise provided by this part, Part 1 of this article shall apply to the grand juries authorized by this part."

SECTION 6.

Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial proceedings, is amended by revising Code Section 17-7-52, relating to the procedure for indictment of peace officer for crime in the performance of duties, notification, and rights of the officer, as follows:

"17-7-52.

(a) Before ~~an~~ a bill of indictment or special presentment against a present or former peace officer charging the officer with a crime which is alleged to have occurred while he or she was in the performance of his or her duties is ~~returned by~~ presented to a grand jury, the officer shall be given a copy of the proposed bill of indictment or special presentment and notified in writing of the contemplated action by the district attorney of the county wherein the grand jury shall convene ~~and the officer shall be afforded the rights provided in Code Section 45-11-4.~~ Such notice and a copy of the proposed bill of indictment or special presentment shall be provided to the officer not less than 20 days prior to the date upon which a grand jury will begin hearing evidence, and such notice shall inform the officer:

(1) That the grand jury is investigating the officer's conduct to determine if there is probable cause to conclude that the officer has violated one or more laws of this state;

(2) Of the date upon which the grand jury will begin hearing testimony on the proposed bill of indictment or special presentment and the location of the hearing;

(3) That he or she may request, but cannot be compelled, to testify as a witness before the grand jury regarding his or her conduct; and

(4) That, if the officer requests to testify before the grand jury, he or she will be permitted to do so at the conclusion of the presentation of the state's case-in-chief and that he or she may be questioned by the prosecuting attorney or members of the grand jury as are any other witnesses.

(b) If the officer requests to appear as a witness, he or she shall notify the district attorney any time prior to the date the grand jury will begin hearing testimony in such investigation. The district attorney shall, after consulting with the grand jury, inform the officer in writing of the date and time when he or she shall be present in order to testify and of the procedure that the grand jury will follow pursuant to subsection (c) of this Code section. The district attorney shall further advise the grand jury that an officer has the right to appear and testify or not to appear and testify and that, if the officer chooses not to testify, the grand jury shall not consider that in any way in making its decision.

(c) Prior to the introduction of any evidence or the first witness being sworn, the district attorney shall advise the grand jury of the laws applicable to the conduct of such proceedings, all relevant sections of the Code relating to the crime or crimes alleged in the bill of indictment as well as any Code section that excuses or justifies such conduct. In particular, the grand jury shall be advised of Code Sections 16-3-20, 16-3-21, 16-3-23.1, and 17-4-20.

(d) If the officer requests to testify before the grand jury and appears at the date and time specified, the case shall proceed as in any other criminal case heard by a grand jury, except that the officer shall be permitted to testify. Such officer may be questioned by the prosecuting attorney or members of the grand jury as are any other witnesses. After the officer has been sworn as a witness and prior to any testimony by the officer, the district attorney shall advise the officer substantially of the following:

(1) The officer's appearance before the grand jury is voluntary, and he or she cannot be compelled to appear as a witness;

(2) By agreeing to be sworn as a witness on the bill of indictment or special presentment that will be laid before the grand jury, he or she will be asked to testify and answer questions and may be asked to produce records, documents, or other physical evidence;

(3) The officer may refuse to answer any question or to produce records, documents, and other physical evidence if a truthful answer to the question or producing such records, documents, or other physical evidence would tend to incriminate the officer or would tend to bring infamy, disgrace, or public contempt upon the officer;

(4) Any testimony given by the officer may be used against him or her by the grand jury or in a subsequent legal proceeding; and

(5) If the officer is represented by an attorney, the attorney shall have the right to be present in the grand jury room while the officer is testifying, and the officer will be permitted reasonable opportunity to consult with his or her attorney outside the grand jury room.

(e) After being sworn as a witness but prior to being asked any questions by the prosecuting attorney or the grand jurors, the officer may make such sworn statement as he or she shall desire. Counsel for the officer shall not propound questions to the officer nor object to questions propounded to the officer on evidentiary grounds.

(f) At the conclusion of the officer's testimony, if any, the prosecuting attorney may present rebuttal evidence and advise the grand jury on matters of law.

(g) At any time during the presentation of evidence or during deliberations, the grand jury may amend the bill of indictment or special presentment or instruct the district attorney to cause a new bill of indictment or special presentment to be created as in any other case. When a bill of indictment or special presentment is amended or newly created, the accused peace officer and his or her attorney shall be provided a copy of it.

(h) No individual other than the jurors, and any interpreter needed to assist a hearing impaired or speech impaired juror, shall be present while the grand jury is deliberating or voting.

~~(b)(i)~~(1) As used in this subsection, the term 'nonserious traffic offense' means any offense in violation of Title 40 which is not prohibited by Article 15 of Chapter 6 of Title 40.

(2) The requirements of subsection (a) of this Code section shall apply to all prosecutions, whether for felonies or misdemeanors or felonies, other than nonserious traffic offenses, and no such prosecution shall proceed either in state or superior court without a grand jury indictment or special presentment."

SECTION 7.

Said chapter is further amended by revising subsection (e) of Code Section 17-7-70.1, relating to trial upon accusations in certain felony and misdemeanor cases, as follows:

"(e) Notwithstanding the above provisions, nothing in this Code section shall affect the rights of ~~police officers and~~ public officials to appear before a grand jury as provided in Code Sections ~~17-7-52~~, 45-11-4, and 45-15-11 or peace officers to appear before a grand jury as provided in Code Section 17-7-52."

SECTION 8.

Chapter 11 of Title 45 of the Official Code of Georgia Annotated, relating to miscellaneous offenses concerning public officers and employees, is amended by revising Code Section 45-11-4, relating to unprofessional conduct and indictment, as follows:

"45-11-4.

(a) As used in this Code section, the term:

(1) 'County officer' means any elected county officer, including the judge of the probate court, clerk of the superior court, tax receiver, tax collector, and tax commissioner where such office has replaced the tax receiver and tax collector, and any county commissioner.

(2) 'Municipal officer' means any mayor or elected member of any municipal governing authority.

- (3) 'Public officer' means a county officer, a municipal officer, and state officials as provided in Code Section 45-15-11.
- (b) A public officer may be charged under this Code section for:
- (1) Malpractice, misfeasance, or malfeasance in office;
 - (2) Using oppression or tyrannical partiality in the administration or under the color of his or her office;
 - (3) When required by law, willfully refusing or failing to preside in or hold his or her court at the regular terms thereof, or when it is his or her duty under the law to do so;
 - (4) Using any other deliberate means to delay or avoid the due course or proceeding of law; or
 - (5) Willfully and knowingly demanding more cost than he or she is entitled to by law in the administration and under color of his or her office.
- (c) A conviction for violating subsection (b) of this Code section shall be punished as for a misdemeanor, and, upon conviction in a court of competent jurisdiction, the accused shall be removed from office.
- (d) This Code section shall only apply to a public officer charged under subsection (b) of this Code section. This Code section shall not apply when a public officer is charged with any other crime alleged to have occurred while such official was in the performance of an official duty.
- (e) This Code section shall only apply to a public officer holding office at the time of indictment and not to former office holders.
- ~~(f) Any indictment brought pursuant to subsection (b) of this Code section shall specially set forth the merits of the complaint against the accused public officer. A copy of the proposed bill of indictment shall be served on the accused public officer at least 15 days before it is presented to the grand jury.~~
- ~~(g) The accused shall have the right to appear before the grand jury to make such sworn statement as he or she shall desire at the conclusion of the presentation of the state's evidence. The accused shall not be subject to examination, either direct or cross, and shall not have the right individually or through his or her counsel to examine the state's witnesses. The accused and his or her counsel shall have the right to be present during the presentation of all evidence and alleged statements of the accused on the proposed indictment, presentment, or accusation, after which the accused and his or her counsel shall retire instantaneously from the grand jury room to permit the grand jury to deliberate upon the indictment.~~
- ~~(h) At any time during the presentation of evidence or during deliberations, the grand jury may amend the indictment or instruct the district attorney to cause a new indictment to be drawn as in any other case. In such case, a copy of the amendment or new indictment, if it relates to the accused public official, shall be provided to the accused public official and his or her counsel.~~
- ~~(i) If a true bill is returned by the grand jury, the indictment shall, as in other cases, be published in open court and shall be placed on the superior court criminal docket of cases to be tried by a trial jury."~~

SECTION 9.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	E Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	E Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 804. By Representatives Mabra of the 63rd, Glanton of the 75th, Douglas of the 78th, Scott of the 76th, Stovall of the 74th and others:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the number of judges of superior courts, so as to provide for a fifth judge of the superior courts of the Clayton Judicial Circuit; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of judges of superior courts, so as to provide for a fifth judge of the superior courts of the Clayton Judicial Circuit; to provide for the appointment of such additional judge by the Governor; to provide for the election of successors to the judge initially appointed; to prescribe the powers of such judge; to prescribe the compensation, salary, and expense allowance of such judge to be paid by the State of Georgia and the counties comprising said circuit; to provide for the manner of impaneling jurors; to provide for an additional court reporter for such circuit; to authorize the governing authority of the counties that comprise the Clayton Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel for such judges; to declare inherent authority; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of judges of superior courts, is amended by revising paragraph (10) as follows:

"(10) Clayton Circuit..... 4 5"

SECTION 2.

One additional judge of the superior courts is added to the Clayton Judicial Circuit, thereby increasing to five the number of judges of said circuit.

SECTION 3.

Said additional judge shall be appointed by the Governor for a term beginning July 1, 2016, and continuing through December 31, 2018, and until his or her successor is elected and qualified. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial

election in 2018, for a term of four years beginning on January 1, 2019, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 4.

The additional judge of the superior courts of the Clayton Judicial Circuit shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the Clayton Judicial Circuit may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 5.

The qualifications of such additional judge and his or her successors shall be the same as are now provided by law for all other superior court judges, and his or her compensation, salary, and expense allowance from the State of Georgia and from the counties comprising the Clayton Judicial Circuit shall be the same as are now provided by law for the other superior court judges of such circuit. The provisions, if any, enacted for the supplementation by the counties of such circuit of the salary of the judges of the superior courts of the Clayton Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 6.

All writs and processes in the superior courts of the Clayton Judicial Circuit shall be returnable to the terms of such superior courts as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of such courts shall be held in the same manner as though there were but one judge, it being the intent and purpose of this Act to provide five judges equal in jurisdiction and authority to attend and perform the functions, powers, and duties of the judges of such superior courts and to direct and conduct all hearings and trials in such courts.

SECTION 7.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of the judges of the superior courts of such circuit; and they, or any one of them, shall have full power and authority to draw and impanel jurors for service in such courts so as to have jurors for the trial of cases before any of such judges separately or before each of them at the same time.

SECTION 8.

The five judges of the superior courts of the Clayton Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 9.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Clayton Judicial Circuit may bear teste in the name of any judge of the Clayton Judicial Circuit and, when issued by and in the name of any judge of such circuit, shall be fully valid and may be heard and determined before the same or any other judge of such circuit. Any judge of such circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 10.

Upon request of any judge of the circuit, the governing authorities of the counties comprising the Clayton Judicial Circuit shall be authorized to furnish the judges of such circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the court. All of the expenditures authorized in this Act are declared to be an expense of the court and payable out of the county treasury as such.

SECTION 11.

Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of superior court judges provided by the Constitution and statutes of the State of Georgia.

SECTION 12.

- (a) For purposes of making the initial appointment of the judge to fill the superior court judgeship created by this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.
- (b) For all other purposes, this Act shall become effective on July 1, 2016.

SECTION 13.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M

Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	E Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	E Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The Speaker announced the House in recess until 1:45 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

The following Resolutions of the House were read and adopted:

HR 1488. By Representative Marin of the 96th:

A RESOLUTION recognizing and commending ICNA Relief; and for other purposes.

HR 1489. By Representative Price of the 48th:

A RESOLUTION recognizing and commending Lauren Piper upon being honored with the Girl Scout Gold Award; and for other purposes.

HR 1490. By Representatives Greene of the 151st, Buckner of the 137th, Taylor of the 173rd, Smyre of the 135th and Houston of the 170th:

A RESOLUTION recognizing and commending Deborah Shaw on the grand occasion of her retirement; and for other purposes.

HR 1491. By Representative Greene of the 151st:

A RESOLUTION honoring the life and memory of James Edgar Coleman; and for other purposes.

HR 1492. By Representative Price of the 48th:

A RESOLUTION recognizing and commending Camille Ryan upon being honored with the Girl Scout Gold Award; and for other purposes.

HR 1493. By Representative Price of the 48th:

A RESOLUTION recognizing and commending Katie Reynolds upon being honored with the Girl Scout Gold Award; and for other purposes.

HR 1494. By Representatives Tankersley of the 160th, Parrish of the 158th and Burns of the 159th:

A RESOLUTION recognizing and commending David Ball upon being named the Rotary Club's Citizen of the Year; and for other purposes.

HR 1495. By Representative Price of the 48th:

A RESOLUTION recognizing and congratulating Carson Cleary Howgate; and for other purposes.

HR 1496. By Representatives Abrams of the 89th, Mosby of the 83rd and Mayo of the 84th:

A RESOLUTION recognizing Cedar Grove United Methodist Church on the grand occasion of its 188th anniversary; and for other purposes.

HR 1497. By Representative Reeves of the 34th:

A RESOLUTION recognizing March 2, 2016, as Georgia Music Day at the state capitol; and for other purposes.

HR 1498. By Representatives Mosby of the 83rd, Stephenson of the 90th and Dickerson of the 113th:

A RESOLUTION commending Eugene Harmond for his 43 years of service to Delta Air Lines; and for other purposes.

HR 1499. By Representative Ealum of the 153rd:

A RESOLUTION recognizing the Deerfield-Windsor School Knights on winning the 2015 Dr. Michael Drake Athletic Excellence Award and commending their longtime athletic director Gordy Gruhl for his outstanding leadership; and for other purposes.

HR 1500. By Representatives Bentley of the 139th, Abrams of the 89th, Smyre of the 135th, Randall of the 142nd, Fleming of the 121st and others:

A RESOLUTION honoring the life and memory of Sheriff Van Peavy; and for other purposes.

HR 1501. By Representatives Howard of the 124th, Prince of the 127th, Smith of the 125th and Sims of the 123rd:

A RESOLUTION recognizing and commending Lieutenant John W. Ivey on the occasion of his retirement; and for other purposes.

HR 1502. By Representatives Bentley of the 139th, Abrams of the 89th, Smyre of the 135th, Randall of the 142nd, Fleming of the 121st and others:

A RESOLUTION honoring and commending Lieutenant Colonel Joel Davis, Jr.; and for other purposes.

- HR 1503. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION honoring the first grade classes of Elm Street Elementary School for their successful class project, Sugar Kids Beauty; and for other purposes.

- HR 1504. By Representatives Stovall of the 74th, Scott of the 76th, Glanton of the 75th, Waites of the 60th, Jordan of the 77th and others:

A RESOLUTION recognizing and commending Edith P. "Edie" Yongue; and for other purposes.

- HR 1505. By Representatives Atwood of the 179th, Jones of the 167th, Rice of the 95th and Wilkinson of the 52nd:

A RESOLUTION commending The Gathering Place and recognizing the week of February 29th through March 4th as The Week of the Gathering Place; and for other purposes.

- HR 1506. By Representatives Stovall of the 74th, Scott of the 76th, Glanton of the 75th, Jordan of the 77th and Mabra of the 63rd:

A RESOLUTION recognizing and commending Ms. Darlene Beale-Norris; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

- HB 856. By Representatives Fleming of the 121st, Weldon of the 3rd, Beskin of the 54th, Oliver of the 82nd, Powell of the 32nd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions for probate courts, so as to change provisions relating to the bond required for probate court judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstoration	Jordan	Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	E Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 152, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 944. By Representatives Gilligan of the 24th, Cooper of the 43rd, Petrea of the 166th and Jasperse of the 11th:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for the pronouncement of death of patients in nursing homes who are organ donors by a physician assistant or a registered professional nurse; to provide for the pronouncement of death of patients in hospice care who are organ donors by a registered

professional nurse; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for the pronouncement of death of patients in nursing homes who are organ donors by a registered professional nurse or a physician assistant; to provide for the pronouncement of death of patients in hospice care who are organ donors by a registered professional nurse or physician assistant; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising Code Section 31-7-16, relating to determination or pronouncement of death of patient who died in a facility classified as a nursing home as follows:

"31-7-16.

When a patient dies in any facility classified as a nursing home by the department and operating under a permit issued by the department, a physician assistant, a nurse practitioner, or a registered professional nurse licensed in this state and employed by such nursing home at the time of apparent death of such person, in the absence of a physician, may make the determination and pronouncement of the death of said patient; provided, however, ~~that, when said patient is a registered organ donor, only a physician may make the determination or pronouncement of death; provided, further,~~ that when it appears that a patient died from other than natural causes, only a physician may make the determination or pronouncement of death. Such determination or pronouncement shall be made in writing on a form approved by the department."

SECTION 2.

Said title is further amended by revising Code Section 31-7-176.1, relating to determination or pronouncement of death of patients in hospice care, as follows:

"31-7-176.1.

When a patient who is terminally ill or whose death is anticipated and who is receiving hospice care from a licensed hospice dies, a physician assistant, a nurse practitioner, or a registered professional nurse licensed in this state and employed by such hospice at the time of apparent death of such person, in the absence of an attending physician, may make the determination and pronouncement of the death of said patient; ~~provided, however, that, when a hospice patient is a registered organ donor, only a physician may~~

~~make the determination or pronouncement of death.~~ Such determination or pronouncement shall be made in writing on a form approved by the commissioner of community health."

SECTION 3.

Said title is further amended by revising subsection (a) of Code Section 31-10-16, relating to criteria for determining death and immunity from liability, as follows:

"(a) A person may be pronounced dead by a qualified physician, by a registered professional nurse or nurse practitioner authorized to make a pronouncement of death under Code Section 31-7-16 or 31-7-176.1 or subsection (o) of Code Section 43-34-25, or by a physician assistant authorized to make a pronouncement of death under Code Section 31-7-16 or 31-7-176.1 or subsection (j) of Code Section 43-34-103, if it is determined that the individual has sustained either (1) irreversible cessation of circulatory and respiratory function or (2) irreversible cessation of all functions of the entire brain, including the brain stem."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Pruett	N Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites

Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccía	Y Rhodes	Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	E Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 153, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 93. By Representatives Pezold of the 133rd, Ramsey of the 72nd, Allison of the 8th, Atwood of the 179th, Powell of the 32nd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions for the identification and regulation of motor vehicles, so as to prohibit law enforcement from retaining license plate data obtained from automated license plate recognition systems for certain periods; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions regarding law enforcement officers and agencies, so as to prohibit law enforcement from retaining license plate data obtained from automated license plate recognition systems beyond a certain period; to provide for definitions; to provide for the exchange of data obtained from license plate recognition systems by law enforcement; to provide for criminal penalties for misuse of captured license plate data; to provide for policies; to provide for Georgia Crime Information Center auditing; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions regarding law enforcement officers and agencies, is amended by adding a new Code section to read as follows:

"35-1-20.

(a) As used in this Code section, the term:

(1) 'Automated license plate recognition system' means one or more high-speed cameras combined with computer algorithms used to convert images of license plates into computer readable data.

(2) 'Captured license plate data' means the global positioning device coordinates, date and time, photograph, license plate number, and any other data captured by or derived from an automated license plate recognition system or any other source.

(3) 'Law enforcement agency' means the Department of Public Safety, the Department of Transportation, and any other state, local, public transit, school, college, or university agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, toll violation, regulatory, game, or controlled substance laws.

(4) 'Law enforcement purpose' means the investigation of an offense or activity attributed to a case number assigned by a law enforcement agency.

(5) 'Person' means an individual, corporation, company, partnership, firm, association, joint venture, or any other unincorporated association or group.

(b) Law enforcement agencies may collect captured license plate data. Such data shall be stored immediately upon collection and not accessed except for a law enforcement purpose. All such data collected shall be destroyed no later than 90 days after such data were originally collected unless such data are the subject matter of a toll violation or for a law enforcement purpose.

(c) Law enforcement agencies may exchange captured license plate data with other law enforcement agencies for law enforcement purposes.

(d)(1) Any person who knowingly requests, uses, obtains, or attempts to obtain captured license plate data of a law enforcement agency under false pretenses or for any purpose other than for a law enforcement purpose shall for each such offense, upon conviction thereof, be fined not more than \$5,000.00 or imprisoned for not more than two years, or both.

(2) Nothing in this Code section shall be construed to preclude a law enforcement agency from contracting with a person to hold and maintain captured license plate data for such law enforcement agency; provided, however, that such person shall be subject to the policies of the law enforcement agency, paragraph (1) of this subsection, and subsection (f) of this Code section.

(e) Any law enforcement agency deploying an automated license plate recognition system shall maintain policies for the use and operation of such system, including but

not limited to policies for the training of law enforcement officers in the use of captured license plate data consistent with this Code section.

(f) The Georgia Crime Information Center shall, when periodically conducting audits of crime reporting practices of criminal justice agencies pursuant to paragraph (4) of subsection (a) of Code Section 35-3-33, conduct performance audits on the use of captured license plate data consistent with this Code section.

(g) Captured license plate data collected by a law enforcement agency shall not be subject to public disclosure pursuant to Article 4 of Chapter 18 of Title 50."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Powell of the 32nd and Pezold of the 133rd offer the following amendment:

Amend the committee substitute to HB 93 (LC 41 0603S) by replacing line 33 with the following:

All such data collected shall be destroyed no later than one year after such data were

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	N Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Stephens, M
Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
N Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley

Y Bruce	Y Efstoration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Kelley	Raffensperger	Y Trammell
Y Burns	Y Epps	Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Y Knight	Y Reeves	Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	E Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 152, nays 2.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 792. By Representatives Brockway of the 102nd, Pak of the 108th, Quick of the 117th, Cooke of the 18th, Ballinger of the 23rd and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to authorize the carrying, possession, and use of electroshock weapons by persons who are students or who are employed at a public institution of postsecondary education; to provide for a definition; to provide for conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to authorize the carrying, possession, and use of electroshock weapons while in or on any building or real property owned by or leased to a public institution of postsecondary education; to provide for a definition; to provide for conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, is amended in subsection (c) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, by deleting "or" at the end of paragraph (17), by replacing the period with "; or" at the end of paragraph (18), and by adding a new paragraph to read as follows:

"(19) Any person carrying, possessing, or having under such person's control an electroshock weapon while in or on any building or real property owned by or leased to such public technical school, vocational school, college or university or other public institution of postsecondary education; provided, however, that, if such person makes use of such electroshock weapon, such use shall be in defense of self or others. The exemption under this paragraph shall apply only to such person in regard to such electroshock weapon. As used in this paragraph, the term 'electroshock weapon' means any commercially available device that is powered by electrical charging units and designed exclusively to be capable of incapacitating a person by electrical charge, including, but not limited to, a stun gun or taser as defined in subsection (a) of Code Section 16-11-106."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abrams	Y Cooke	Y Harden	N Metze	N Smith, E
N Alexander	Y Coomer	Y Harrell	N Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
Y Ballinger	N Dawkins-Haigler	N Henson	Y Nimmer	N Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	N Stephens, M
N Beasley-Teague	N Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	N Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	N Howard	Y Peake	Y Stover
N Bentley	N Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
N Beverly	N Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	N Jones, L	Y Price	Y Taylor, T

Y Brockway	Y Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efstration	Y Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	Y Quick	N Thomas, E
N Buckner	Y England	Y Kelley	Y Raffensperger	N Trammell
Y Burns	Y Epps	N Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	N Evans	Y Kidd	Y Ramsey	N Waites
Y Caldwell, M	Y Fleming	Y Kirby	N Randall	Y Watson
N Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	N Fludd	Y LaRiccia	Y Rhodes	Weldon
E Carson	N Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	N Gardner	Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	N Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	N Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	E Setzler	N Williams, E
Y Clark, H	N Gordon	Y McCall	N Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 117, nays 46.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 851. By Representative Atwood of the 179th:

A BILL to be entitled an Act to amend Chapter 15 of Title 36 of the Official Code of Georgia Annotated, relating to county law libraries, so as to require an annual audit of the financial affairs, books, and records of boards of trustees of the county law library; to provide for publication of such audit; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 15 of Title 36 of the Official Code of Georgia Annotated, relating to county law libraries, so as to require an annual audit of the financial affairs, books, and records of boards of trustees of the county law library; to provide for publication of such audit; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 15 of Title 36 of the Official Code of Georgia Annotated, relating to county law libraries, is amended by adding a new Code section to read as follows:

"36-15-13.

Each board created pursuant to this chapter shall, at the end of each fiscal year for the preceding year, have an annual audit of its financial affairs, books, and accounts performed by the county accountant as provided for in Code Section 36-1-10; the internal auditor employed by the governing authority of the county, if such internal auditor is a certified public accountant; or a certified public accountant. The determination of the performance of such audit by the county accountant, the internal auditor, or a certified public accountant shall be made by the board. Such audit shall be conducted in accordance with generally accepted accounting principles, including, but not limited to, a report on whether the control, deposit, and investment of funds, the receipt and investment of money and property, and the use of funds by such board have been conducted as provided for under this chapter. A copy of such audit shall be made available to the governing authority of the county and shall be a public document."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatcher	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner

Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccía	Y Rhodes	Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	E Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Georgia House of Representatives
 Marie Robinson-Metze
 Coverdell Legislative Office Building
 Room 511-G
 Atlanta, Georgia 30334

February 23, 2016

I would like to vote yes on HB 851

/s/ Marie Robinson-Metze

HB 827. By Representatives Holcomb of the 81st, Bennett of the 80th, Pak of the 108th, Quick of the 117th, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, so as to provide requirements for submitting certain evidence collected from a forensic medical examination to the Georgia Bureau of Investigation; to provide for a definition; to provide for procedure; to provide for reporting; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, so as to provide requirements for submitting certain evidence collected from a forensic medical examination to the Georgia Bureau of Investigation; to provide for definitions; to provide for procedure; to provide for reporting; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Pursuing Justice for Rape Victims Act."

SECTION 2.

Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, is amended by revising Code Section 35-1-2, which was previously reserved, as follows:

"35-1-2.

(a) As used in this Code section, the term:

(1) 'Division' means the Division of Forensic Sciences of the Georgia Bureau of Investigation.

(2) 'Medical examination' means an examination pursuant to subsection (c) of Code Section 16-6-1 or subsection (c) of Code Section 16-6-2.

(b) When a forensic medical examination is performed, evidence is collected, and the alleged victim has requested that law enforcement officials be notified, the individual performing such exam, or his or her designee, shall notify the appropriate law enforcement agency of the collection of such evidence. Law enforcement officials shall take possession of such evidence no later than 96 hours of being notified.

(c) It shall be the duty of every law enforcement officer who takes possession of the evidence as provided in subsection (b) of this Code section to ensure that such evidence is submitted to the division within 30 days of it being collected, in accordance with the procedures established by the division.

(d) When a forensic medical examination was performed before July 1, 2016, evidence was collected, and the alleged victim requested that law enforcement officials be notified, the individual who performed such exam, or his or her designee, shall notify the appropriate law enforcement agency of the collection of such evidence on or before July 15, 2016, and law enforcement officials shall take possession of such evidence on or before July 31, 2016. It shall be the duty of every law enforcement officer who takes possession of the evidence as provided in this Code section to ensure that such evidence

is submitted to the division by August 31, 2016, in accordance with the procedures established by the division.

(e) It shall be the duty of every law enforcement agency to create a list of evidence resulting from a forensic medical examination that is in such agency's possession on August 1, 2016, identifying such evidence as needing to be tested and submitting such listing of information to the division by August 15, 2016.

(f) A failure to comply with the provisions of this Code section shall not affect the admissibility of evidence collected from a forensic medical examination.

(g) Beginning December 1, 2016, the division shall issue an annual report detailing the number of cases for which it has tested evidence pursuant to this Code section and the number of cases that are awaiting testing. Such report shall be provided to the executive counsel of the Governor, the Speaker of the House of Representatives, the Lieutenant Governor, the members of the House Committee on Judiciary, Non-civil, the members of the Senate Judiciary, Non-civil Committee, and posted online at the Georgia Bureau of Investigation's website. ~~Reserved.~~"

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites

Y Caldwell, M	Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	E Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 768. By Representatives Hawkins of the 27th, Willard of the 51st, Fludd of the 64th, Jones of the 47th, Turner of the 21st and others:

A BILL to be entitled an Act to amend Title 30 of the O.C.G.A., relating to disabled persons, so as to provide for the establishment of a qualified ABLE program in this state to enable the contribution of funds to tax-exempt accounts to pay for the qualified expenses of eligible individuals with disabilities; to amend Code Section 48-7-27 of the O.C.G.A., relating to computation of taxable net income; to amend Code Section 50-13-2 of the O.C.G.A., relating to the definitions for purposes of the Georgia Administrative Procedure Act, so as to exclude the Georgia ABLE Program Corporation from the meaning of "agency"; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Title 30 of the Official Code of Georgia Annotated, relating to disabled persons, so as to provide for the establishment of a qualified ABLE program in this state to enable the contribution of funds to tax-exempt accounts to pay for the qualified expenses of eligible individuals with disabilities; to provide a short title; to provide for legislative intent; to define certain terms; to provide for the creation of the Georgia ABLE Program Corporation; to provide for a board of directors and its membership, powers, duties, and administration; to provide for the establishment of the Georgia ABLE

Program; to provide for participation agreements and ABLE accounts; to provide for the trust fund and the administration thereof; to provide for a comprehensive investment plan; to provide for effect of account deposits on eligibility for certain public assistance; to provide for annual reports; to provide for confidentiality and nondisclosure of certain records; to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income, so as to provide for tax treatment of withdrawals from ABLE accounts; to amend Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to the definitions for purposes of the Georgia Administrative Procedure Act, so as to exclude the Georgia ABLE Program Corporation from the meaning of "agency"; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 30 of the Official Code of Georgia Annotated, relating to disabled persons, is amended by adding a new chapter to read as follows:

"CHAPTER 9

30-9-1.

This chapter shall be known and may be cited as the 'Georgia Achieving a Better Life Experience (ABLE) Act.'

30-9-2.

(a) It is the intent of the legislature to authorize the establishment of a qualified ABLE program in this state to encourage and assist the saving of private funds in tax-exempt accounts in order to pay for the qualified disability expenses of eligible individuals with disabilities.

(b) It is also the intent of the legislature that any qualified ABLE program established in this state be implemented in a manner that is consistent with federal law authorizing the program and that maximizes program efficiency and effectiveness.

30-9-3.

As used in this chapter, the term:

(1) 'ABLE account' means an account established and owned by an eligible individual pursuant to this chapter.

(2) 'Board' means the board of directors of the Georgia ABLE Program Corporation.

(3) 'Corporation' means the Georgia ABLE Program Corporation created pursuant to Code Section 30-9-4.

(4) 'Designated beneficiary' means the eligible individual who establishes an ABLE account or to whom an ABLE account is transferred.

(5) 'Eligible individual' means an eligible individual as defined in Section 529A of the Internal Revenue Code.

(6) 'Georgia ABLE program' or 'program' means a qualified ABLE program established pursuant to this chapter.

(7) 'Internal Revenue Code' has the meaning provided in Code Section 48-1-2.

(8) 'Participation agreement' means the agreement between the board and an eligible individual participating in the Georgia ABLE Program Trust Fund or his or her fiduciary.

(9) 'Qualified ABLE Program' means a program established pursuant to Section 529A of the Internal Revenue Code.

(10) 'Qualified disability expense' means an expense as defined in Section 529A of the Internal Revenue Code.

(11) 'Trust fund' means the Georgia ABLE Program Trust Fund.

30-9-4.

(a)(1) There is created the Georgia ABLE Program Corporation, as a body corporate and politic and an instrumentality of the state, for purposes of establishing and administering the Georgia ABLE Program. The corporation shall be governed by a board of directors consisting of the commissioner of behavioral health and developmental disabilities; the commissioner of community health; the state auditor; the director of the Office of Planning and Budget; the state revenue commissioner; the state treasurer; and three directors who shall be appointed by and serve at the pleasure of the Governor, who shall include at least two persons who are persons with a disability, a family member of a person with a disability, or a disability advocacy professional. The board shall elect a chairperson from its membership. The state treasurer shall act as administrative officer of the board. A majority of the board shall constitute a quorum, and the acts of the majority shall be the acts of the board.

(2) Members of the board who are state officials or employees shall receive no compensation for their service on the board but may be reimbursed for expenses incurred by them in the performance of their duties as members of the board. Any members of the board who are not state officials or employees shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 for each day such member is in attendance at a meeting of the board. Expense allowances and other costs authorized in this paragraph shall be paid from moneys in the trust fund.

(b) The board shall have the authority necessary or convenient to carry out the purposes and provisions of this chapter and the purposes and objectives of the trust fund, including, but not limited to, the authority to:

(1) Have a seal and alter the same at its pleasure; bring and defend actions; make, execute, and deliver contracts, conveyances, and other instruments necessary or convenient to the exercise of its powers; and make and amend bylaws;

(2) Adopt such rules and regulations as are necessary to implement this chapter, subject to applicable federal laws and regulations;

(3) Contract for necessary goods and services; employ necessary personnel; engage the services of consultants and other qualified persons and entities for administrative and technical assistance in carrying out its responsibilities under this chapter; and contract with state or federal departments or agencies, upon such terms, for such consideration, and for such purposes as it deems advisable;

(4) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition grants, loans, and other funds or aid from any endowment or other public or private source or participate in any other way in any federal, state, or local governmental program in carrying out the purposes of this chapter;

(5) Define the terms and conditions under which payments may be withdrawn or refunded from an ABLE account or the trust fund established under this chapter and impose reasonable charges for a withdrawal or refund;

(6) Regulate the receipt of contributions or payments to the trust fund;

(7) Require and collect fees and charges to cover the reasonable costs of administering ABLE accounts and impose a 10 percent penalty on the earnings portion included within a withdrawal of funds for nonqualified disability expenses or for entering into a participation agreement on a fraudulent basis;

(8) Procure insurance against any loss in connection with the property, assets, and activities of the trust fund or the corporation;

(9) Establish other policies, procedures, and criteria and perform such other acts as necessary or appropriate to implement and administer this chapter; and

(10) Authorize the state treasurer to carry out any or all of the powers and duties enumerated in this chapter for efficient and effective administration of the program and trust fund.

(c) The corporation is assigned to the Department of Administrative Services for administrative purposes only.

30-9-5.

(a) The board shall be authorized to establish a Georgia ABLE Program under which a person may make contributions for a taxable year, for the benefit of an eligible individual, to an ABLE account established for the purpose of meeting the qualified disability expenses of the designated beneficiary of the ABLE account. Any such program shall be administered by the corporation. Contributions and investment earnings on the contributions may be used for any qualified disability expenses of the designated beneficiary. Only one ABLE account may be established for any eligible individual.

(b) In addition to or in lieu of establishing a Georgia ABLE Program pursuant to subsection (a) of this Code section, the corporation may:

(1) Enter into an agreement with another state which allows the residents of such state to participate under the Georgia ABLE Program;

(2) Enter into an agreement with one or more states or a consortium of states that has a qualified ABLE program to allow residents of this state to participate in the qualified ABLE program of such other state, states, or consortium; or

(3) Facilitate or otherwise provide access to allow residents of this state to participate in qualified ABLE programs operated by other states.

(c) If a Georgia ABLE Program is established pursuant to subsection (a) of this Code section, it shall continue in existence until terminated by law. If the state determines that the program is financially infeasible, the state may terminate the program. Upon termination, amounts in the trust fund held for each designated beneficiary shall be returned in accordance with the participation agreement.

(d) The state pledges to the designated beneficiaries that the state will not limit or alter their rights under this Code section which are vested in the Georgia ABLE Program until the program's obligations are met and discharged. However, this subsection shall not preclude such limitation or alteration if adequate provision is made by law for the protection of the designated beneficiaries pursuant to the obligations of the corporation and does not preclude termination of the program pursuant to subsection (c) of this Code section.

30-9-6.

If the board establishes a Georgia ABLE Program pursuant to Code Section 30-9-5, the board shall:

(1) Establish, implement, and maintain the program as a qualified ABLE program under Section 529A of the Internal Revenue Code;

(2) Provide for the marketing of the program and develop and provide information to eligible individuals and their families necessary to establish and maintain an ABLE account; and

(3) Make participation agreements and ABLE accounts available to eligible individuals.

30-9-7.

(a) Each participation agreement entered into pursuant to this chapter shall include the following terms and conditions:

(1) The participation agreement shall not constitute a debt or obligation of the state;

(2) Participation in the Georgia ABLE Program does not guarantee that sufficient funds will be available to cover all qualified disability expenses for any designated beneficiary and does not guarantee the receipt or continuation of any product or service for the designated beneficiary;

(3) The establishment of an ABLE account in violation of federal law is prohibited;

(4) Contributions in excess of the limitations set forth in Section 529A of the Internal Revenue Code are prohibited;

(5) The state is a creditor of ABLE accounts as, and to the extent, set forth in Section 529A of the Internal Revenue Code; and

(6) Material misrepresentations by a party to the participation agreement, other than the Georgia ABLE Program Corporation, in the application for the participation agreement or in any communication with the Georgia ABLE Program Corporation regarding the Georgia ABLE Program may result in the involuntary liquidation of the ABLE account. If an account is involuntarily liquidated, the designated beneficiary is entitled to a refund, subject to any fees or penalties provided by the participation agreement and the Internal Revenue Code.

(b) A participation agreement entered into pursuant to this chapter may include terms and conditions specifying:

(1) The requirements and applicable restrictions for opening an ABLE account;

(2) The eligibility requirements for a party to the participation agreement and the rights of the party;

(3) The requirements and applicable restrictions for making contributions to an ABLE account;

(4) The requirements and applicable restrictions for directing the investment of the contributions or balance of the ABLE account;

(5) The administrative fee and other fees and penalties applicable to an ABLE account;

(6) The terms and conditions under which an ABLE account or a participation agreement may be modified, transferred, or terminated; and

(7) Any other terms and conditions that the board deems necessary or appropriate, including without limitation those necessary to conform the participation agreement with the requirements of Section 529A of the Internal Revenue Code or other applicable federal laws.

(c) A participation agreement may be amended throughout its term for purposes that include, but are not limited to, allowing a participant to increase or decrease the level of participation and to change designated beneficiaries and other matters authorized by this Code section and Section 529A of the Internal Revenue Code.

30-9-8.

(a)(1) The board shall be authorized to create the Georgia ABLE Program Trust Fund. The trust fund shall be administered by the state treasurer. The state treasurer shall credit to the trust fund all amounts transferred to such fund. The trust fund shall consist of money remitted in accordance with participation agreements and shall receive and hold all payments, contributions, and deposits intended for it as well as gifts, bequests, endowments, grants and any other public or private source of funds, and all earnings on the fund until disbursed as provided under this Code section. The amounts on deposit in the trust fund shall not constitute property of the state. Amounts on deposit in the trust fund shall not be commingled with state funds, and the state shall have no claim to or interest in such funds other than the amount of reasonable fees and charges assessed to cover administration costs. Participation agreements or any other contract entered into by or on behalf of the trust fund shall not constitute a debt or obligation of the state, and no account contributor shall be

entitled to any amounts except for those amounts on deposit in or accrued to the account of such contributor.

(2) The trust fund shall continue in existence so long as it holds any funds belonging to an account contributor or otherwise has any obligations to any person or entity until its existence is terminated by law and remaining assets on deposit in the trust fund are returned to designated beneficiaries or other eligible persons pursuant to the terms of the participation agreement or transferred to the state in accordance with unclaimed property laws.

(b) The official location of the trust fund shall be the Office of the State Treasurer, and unless otherwise authorized by the board, the facilities of the Office of the State Treasurer shall be used and employed in the administration of the fund, including without limitation the keeping of records, the management of bank accounts and other investments, the transfer of funds, and the safekeeping of securities evidencing investments. These functions may be administered pursuant to a management agreement with a qualified entity or entities.

(c) Payments received by the board on behalf of designated beneficiaries from account contributors, other payors, or any other source, public or private, shall be placed in the trust fund, and the board shall cause there to be maintained separate records and accounts for individual beneficiaries as may be required under Section 529A of the Internal Revenue Code or other applicable federal laws.

(d) Account contributors shall only be permitted to contribute cash except as otherwise permitted under Section 529A of the Internal Revenue Code. The board shall establish appropriate safeguards against contributions to an ABL account in excess of the limitations set forth in Section 529A of the Internal Revenue Code.

(e) Earnings derived from investment of the contributions shall be considered to be held in trust in the same manner as contributions. Amounts on deposit in an ABL account shall be available for administrative fees and expenses and penalties imposed by the board as delineated in the participation agreement.

(f) The assets of the trust fund shall be preserved, invested, and expended solely pursuant to and for the purposes of this chapter and shall not be loaned or otherwise transferred or used by the state for any other purpose.

30-9-9.

The trust fund and ABL account property and income shall be subject to taxation by the state only as provided by paragraph (10.1) of subsection (b) of Code Section 48-7-27 and shall not be subject to taxation by any of the state's political subdivisions.

30-9-10.

(a) The board shall have authority to establish a comprehensive investment plan for the purposes of this chapter and to invest any funds of the trust fund through the state treasurer. The state treasurer shall invest the trust fund moneys pursuant to an investment policy adopted by the board. Notwithstanding any state law to the contrary, the board, through the state treasurer, shall invest or cause to be invested amounts on

deposit in the trust fund, including the program account, in a manner reasonable and appropriate to achieve the objectives of the corporation, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The board shall give due consideration to the risk of, expected rate of return of, term or maturity of, diversification of total investments of, liquidity of, and anticipated investments in and withdrawals from the trust fund.

(b) The board may employ or contract with financial organizations, investment managers, evaluation services, or other such entities as determined by the board to be necessary for the effective and efficient investment, administration, and operation of the program. The board shall establish criteria for financial organizations, investment managers, evaluation services, or other such entities that act as contractors or consultants to the board. The board may contract, either directly or through such contractors or consultants, to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board, including without limitation providing consolidated billing, individual and collective record keeping and accounting, and asset purchase, control, and safekeeping. All contractors and consultants shall be selected by competitive solicitation, unless otherwise directed by the board.

(c) All investments shall be marked clearly to indicate ownership by the corporation and, to the extent possible, shall be registered in the name of the corporation.

(d) Subject to the terms, conditions, limitations, and restrictions set forth in this Code section, the board may sell, assign, transfer, and dispose of any of the securities and investments of the corporation if the sale, assignment, or transfer has the majority approval of the entire board.

(e) Members and employees of the board shall be subject to the provisions of Chapter 10 of Title 45, relating to codes of ethics and conflicts of interest.

(f) No account contributor or beneficiary shall directly or indirectly direct the investment of any account funds except as may be permitted under Section 529A of the Internal Revenue Code or other applicable federal laws.

(g) The board may approve different investment plans and options to be offered to participants to the extent permitted under Section 529A of the Internal Revenue Code or other applicable federal laws and consistent with the objectives of this chapter, and the board may require the assistance of investment counseling before participation in different options.

30-9-11.

Notwithstanding any other provision of state or local law or regulation that requires consideration of the financial circumstances of an applicant for local, state, or federal public assistance or a benefit provided under that law, the agency or entity making the determination of eligibility for such assistance or benefit may not consider the amount in the applicant's ABLE account or in an applicant's ABLE account established pursuant to an ABLE program in another state, including earnings on that amount, and any distribution for qualified disability expenses in determining the applicant's

eligibility to receive the amount of the assistance or benefit with respect to the period during which the individual maintains any such ABLE account.

30-9-12.

(a) If the board creates the Georgia ABLE Program Trust Fund pursuant to Code Section 30-9-8, the board shall prepare or cause to be prepared an annual report setting forth in appropriate detail an accounting of the Georgia Able Trust Fund at the close of each fiscal year. Such report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. In addition, the board shall make the report available to account contributors and designated beneficiaries in the trust fund upon written request and may charge a reasonable fee for such report. The accounts of the trust fund shall be subject to annual audits by the state auditor or his or her designee.

(b) Statements shall be provided to each designated beneficiary at least four times each year within 30 days after the end of the quarterly period to which a statement relates. The statement shall identify the contributions made during the preceding quarter, the total contributions made to the account through that quarter, the value of the account on the last day of that quarter, distributions made during that quarter, and any other information that the state treasurer requires to be reported to the designated beneficiary.

30-9-13.

The Department of Community Health, the Department of Behavioral Health and Developmental Disabilities, the Department of Human Services, the Georgia Vocational Rehabilitation Agency, and the Department of Education shall assist, cooperate, and coordinate with the corporation in the provision of public information and outreach for a board approved Qualified ABLE Program.

30-9-14.

(a) Upon the death of a designated beneficiary of a Georgia ABLE Trust Fund account, the Department of Community Health and the Medicaid program for another state may file a claim with the Georgia ABLE Program for the total amount of medical assistance provided for the designated beneficiary under the Medicaid program after the date of the establishment of the ABLE account, less any premiums paid by or on behalf of the designated beneficiary to a Medicaid buy-in program. Funds in the ABLE account of the deceased designated beneficiary must first be distributed for qualified disability expenses followed by distributions for the Medicaid claim authorized under this subsection. Any remaining amount shall be distributed as provided in the participation agreement.

(b) The corporation shall assist and cooperate with the Department of Community Health and Medicaid programs in other states upon the death of a designated beneficiary of the trust fund by coordinating through the Department of Community Health with the information needed to accomplish the purpose and objective of subsection (a) of this Code section.

30-9-15.

An ABLÉ account may not be assigned for the benefit of creditors, used as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge. Except as provided in Code Section 30-9-14, moneys paid into or out of an ABLÉ account, and the income and assets of such account, are not liable to attachment, levy, garnishment, or legal process in this state in favor of any creditor of or claimant against any designated beneficiary or account contributor.

30-9-16.

(a) The provisions of Article 4 of Chapter 18 of Title 50 notwithstanding, the following records, or portions thereof, shall not constitute public records and shall not be open to inspection by the general public:

- (1) Completed participation applications, executed participation agreements, and ABLÉ account numbers;
- (2) All wiring or automated clearing-house transfer of funds instructions regarding participation agreements;
- (3) ABLÉ account transactions, IP addresses used to initiate transactions, and analysis statements received or prepared by or for the corporation;
- (4) All bank routing and account numbers in the possession of the corporation and any record or document containing such numbers;
- (5) All proprietary computer software in the possession or under the control of the corporation; and
- (6) All security codes and procedures related to physical, electronic, or other access to any ABLÉ account or the trust fund, its systems, and its software.

(b) For a period from the date of creation of the record until the end of the calendar quarter in which the record is created, the following records, or portions thereof, of the trust fund shall not constitute public records and shall not be open to inspection by the general public:

- (1) Investment trade tickets; and
- (2) Bank statements.

(c) The restrictions of subsections (a) and (b) of this Code section shall not apply to access:

- (1) Required by subpoena or other legal process of a court or administrative agency having competent jurisdiction in legal proceedings where the State of Georgia or the corporation is a party;
- (2) In prosecutions or other court actions to which the State of Georgia or the corporation is a party;
- (3) Given to federal or state regulatory or law enforcement agencies;
- (4) Given to any person or entity in connection with an ABLÉ account to which such person or entity is an account contributor or given to any person in connection with an ABLÉ account of which such person is a beneficiary; or
- (5) Given to the board or any member, employee, or contractor thereof for use and public disclosure in the ordinary performance of its duties pursuant to this chapter."

SECTION 2.

Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income, is amended in subsection (b) by adding a new paragraph to read as follows:

"(10.1)(A) The amount of any qualified withdrawals from an ABLE account established pursuant to a Georgia ABLE program or any Qualified ABLE Program, as such programs are defined under Chapter 9 of Title 30, shall not be subject to state income tax under this chapter.

(B) For withdrawals other than qualified withdrawals from such an ABLE account, the proportion of earnings in the account balance at the time of the withdrawal shall be applied to the total funds withdrawn to determine the earnings portion to be included in the designated beneficiary's taxable net income in the year of withdrawal."

SECTION 3.

Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions for purposes of the Georgia Administrative Procedure Act, is amended by revising paragraph (1) as follows:

"(1) 'Agency' means each state board, bureau, commission, department, activity, or officer authorized by law expressly to make rules and regulations or to determine contested cases, except the General Assembly; the judiciary; the Governor; the State Board of Pardons and Paroles; the State Financing and Investment Commission; the State Properties Commission; the Board of Bar Examiners; the Board of Corrections and its penal institutions; the State Board of Workers' Compensation; all public authorities except as otherwise expressly provided by law; the State Personnel Board; the Department of Administrative Services or commissioner of administrative services; the Technical College System of Georgia; the Nonpublic Postsecondary Education Commission; the Department of Labor when conducting hearings related to unemployment benefits or overpayments of unemployment benefits; the Department of Revenue when conducting hearings relating to alcoholic beverages, tobacco, or bona fide coin operated amusement machines or any violations relating thereto; the Georgia Tobacco Community Development Board; the Georgia Higher Education Savings Plan; the Georgia ABLE Program Corporation; any school, college, hospital, or other such educational, eleemosynary, or charitable institution; or any agency when its action is concerned with the military or naval affairs of this state. The term 'agency' shall include the State Board of Education and Department of Education, subject to the following qualifications:

(A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid rules adopted by the State Board of Education and Department of Education prior to January 1, 1990, are ratified and validated and shall be effective until January 1, 1991, whether or not such rules were adopted in compliance with the requirements of this chapter; and

(B) Effective January 1, 1991, any rule of the State Board of Education or Department of Education which has not been proposed, submitted, and adopted in accordance with the requirements of this chapter shall be void and of no effect."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E Mayo	E Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson

Y Clark, V
Y Coleman

Y Gravley
Y Greene

Y McClain
Y Meadows

Y Shaw
Y Sims

Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

House of Representatives
18 Capitol Square, SW
Coverdell Legislative Office Building, Suite 612
Atlanta, Georgia 30334

William Reilly
Clerk of the House
316 State Capitol
Atlanta, Georgia 30334

Dear Clerk Reilly,

On February 23, 2016 the vote box did not register my vote on House Bill 768, the ABLE bill. It was my intention to vote in the affirmative for this bill. Please update the House voting record to indicate my vote. Thank you in advance and please let me know if you have any questions.

Sincerely,

/s/ Sheri Gilligan
House District 24

The following communication was received:

Georgia House of Representatives
Sharon Beasley-Teague
Representative
Coverdell Legislative Office Building
Room 509
Atlanta, Georgia 30334

2-23-16

I would have voted

HB 768	Yes
HB 944	Yes
HB 93	Yes

Thanks

/s/ Sharon Beasley-Teague

By unanimous consent, the following Resolution of the House was postponed until the next legislative day:

HR 1363. By Representatives Willard of the 51st, Oliver of the 82nd, Weldon of the 3rd, Bennett of the 80th, Stephenson of the 90th and others:

A RESOLUTION creating the House Special Study Committee on Judicial Qualifications Commission Reform; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the House was taken up for consideration and read the third time:

HB 923. By Representatives Quick of the 117th and Benton of the 31st:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide an exemption for fire districts which have elected governing bodies and are supported by ad valorem taxes; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide an exemption for fire districts which have elected governing bodies and are supported by ad valorem taxes; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, is amended by revising paragraph (1) as follows:

"(1) Sales to the United States government, this state, any county or municipality of this state, fire districts which have elected governing bodies and are supported, in whole or in part, by ad valorem taxes, or any bona fide department of such governments when paid for directly to the seller by warrant on appropriated government funds;"

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	E Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Dickey	E Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
E Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	E Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Gardner	Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	E Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C

Y Clark, D	Y Golick	E Mayo	E Setzler	Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Brockway of the 102nd moved that the following Resolution of the House be withdrawn from the Committee on Ways & Means and recommitted to the Committee on Transportation:

HR 830. By Representative Brockway of the 102nd:

A RESOLUTION proposing an amendment to the Constitution so as to provide for the creation, purposes, administration, cooperation with local governments, and regulation by general law of transit community improvement districts in which property may be the subject of taxes, fees, and assessments for the accomplishment of the purposes of such districts; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

The motion prevailed.

Representative Rogers of the 29th District, Chairman of the Committee on Higher Education, submitted the following report:

Mr. Speaker:

Your Committee on Higher Education has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1072 Do Pass

Respectfully submitted,
/s/ Rogers of the 29th
Chairman

Representative Powell of the 171st District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 991 Do Pass, by Substitute

Respectfully submitted,
/s/ Powell of the 171st
Chairman

Representative Burns of the 159th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.